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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,130

10/16/2006

Paul Iversen

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06/14/2010

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EXAMINER

CHIN SHUE, ALVIN C

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

06/14/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/554,130	<b>Applicant(s)</b> IVERSEN, PAUL	
	<b>Examiner</b> Alvin C. Chin-Shue	<b>Art Unit</b> 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 34-38 and 40-66 is/are pending in the application.
- 4a) Of the above claim(s) 35,36,38,47,48,50-52 and 60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34,37,40-46,49,53-59 and 61-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34 and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over German pat. '404 to Reineke in view of Gish and Smith, Jr. Reineke shows a servicing platform at 10 for servicing a wind turbine 3-6, the claimed difference being the cable with cable winding means, and holding/gripping means. Gish shows a platform with hoisting cables 62,64 connected to cable winders 58,60 for hoisting a platform. Smith, Jr. shows a holder at 137 and forcing means at 152 and wheels at 150. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reineke for his cables to comprise winders, as taught by Gish, for hoisting his platform, and to further comprise a holder and forcer, as taught by Smith, for gripping and spacing his platform with his tower.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over German pat. '404 to Reineke in view of Gish, Smith, Jr. and Grant. Reineke shows a servicing platform at 10 for servicing a wind turbine 3-6, the claimed difference being the cable with a cable winder, a horizontal forcer and a retainer. Gish shows

a platform with hoisting cables 62,64 connected to cable winders 58,60 for hoisting a platform. Smith, Jr. shows a horizontal forcer at 137 or at 152. Grant shows a retainer at 112. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reineke for his cables to comprise winders, as taught by Gish, for hoisting his platform, to further comprise a horizontal forcer, as taught by Smith at either 137 or at 152, spacing his platform from his tower and to comprise a retainer, as taught by Grant, for retaining his platform to his tower.

Claims 43,49,53-59 and 61-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over German pat. '404 to Reineke in view of Gish and Celli. Reineke shows a servicing platform at 10 for servicing a wind turbine 3-6, the claimed difference being the cable with a cable winder, and a gripper. Gish shows a platform with hoisting cables 62,64 connected to cable winders 58,60 for hoisting a platform. Celli shows a Gripper with a base arm (angle arm between 19 and inner arm 13), inner arm 13, outer arm 14 with wheels, and actuator 4,5 and forcer at 6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reineke for his cables to comprise winders, as taught by Gish, for hoisting his platform, and to further comprise a gripper, as taught by Celli, for holding his platform to his tower.

Claims 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over German pat. '404 to Reineke in view of Ishii and Celli. Reineke shows a servicing platform at 10 for servicing a wind turbine 3-6, the claimed difference being a cable winder and outer cables, and a gripper. Ishii shows a platform with winders 27,27 for inner 23 and outer 25 cables hoisting a platform. Celli shows a Gripper with a base arm (angle arm between 19 and inner arm 13), inner arm 13, outer arm 14 with wheels, and actuator 4,5 and forcer at 6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reineke to comprise a cable winder for his cables and to further comprise outer cables with winders, as taught by Ishii, for hoisting his platform, and to further comprise a gripper, as taught by Celli, for holding his platform to his tower.

Claims 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over German pat. '404 to Reineke in view of Gish and Celli, as applied to claim 58 above, and further in view of Smith, Jr. Smith shows a retainer comprise a rod and suction cup at 137. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Reineke to comprise a retainer, as taught by Smith, for retaining a blade in his indentation.

Claims 64-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over German pat. '404 to Reineke in view of Gish and Celli, as applied to claim 61

above, and further in view of Azran. Azran teaches the use of a remote controller for controlling control mechanism. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reineke to comprise a remote controller for his control mechanisms, as taught by Azran, for remotely controlling his control mechanisms.

Applicant's arguments filed 3/10/10 have been fully considered but they are not persuasive. With respect to claim 34 and Smith Jr. Smith's forcer at hydraulic ram 152 when extended (extracting), the selected alternative to retracting, moves his platform horizontally away from the building. With respect to Grant, and claim 37, Grant teaches the use of a chain for surrounding an upright member for retaining a platform to the upright member, as applicant's retainer, thus Grant is an analogous art, and it is proper for one of ordinary skill in the art to appreciate the teachings of analogous art to resolve the differences at hand.

Applicant's arguments with respect to claims 37 and 43-66 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 571-272-6828. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alvin C. Chin-Shue  
Primary Examiner  
Art Unit 3634

/Alvin C. Chin-Shue/  
Primary Examiner, Art Unit 3634